

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

BARBARA A. THOMPSON,

Plaintiffs,

v.

ACTION RECOVERY SERVICES, LLC,  
RONALD H. TUCKER aka "TUCKER  
LEE," ROBERT DANNY LEE II, and  
HORIZON CREDIT UNION,

Defendants.

CIVIL ACTION NO. 2:19-cv-00122-RMP

DEFENDANT HORIZON CREDIT  
UNION'S ANSWER, AFFIRMATIVE  
DEFENSES AND CROSS CLAIM

COMES NOW, Horizon Credit Union by and through its attorneys Siderius, Lonergan & Martin, LLP by Michael Siderius and in response to plaintiff's complaint submits its answer, affirmative defenses and cross claim.

I. ANSWER

1.1 Defendant, Horizon Credit Union admits the allegations contained in Paragraphs 1, 2, 7, 8, 10 and 13 of Plaintiff's complaint.

1.2 Defendant, Horizon Credit Union lacks sufficient information to form a belief as to the truth or falsity of the allegations contained in Paragraphs 3, 4, 5, 6, 9, 11, 12, and 15 and therefore denies the allegations contained in those paragraphs.

1.3 Defendant, Horizon Credit Union denies the allegations contained in Paragraphs 16, 17, 18, 19, 20, 22, 23, 24, 25, 27, 28 and 29 of Plaintiff's complaint.

1 1.4 The allegations contained in Paragraphs 14, 21 and 26 re-allege allegations  
2 which were previously answered.

3 II. AFFIRMATIVE DEFENSES

4 2.1 Horizon Credit Union sets forth the following affirmative defenses, accord and  
5 satisfaction, assumption of the risk, contributory negligence, estoppel, failure of  
6 consideration, fraud, illegality, latches, payment, release, res adjudicata. Further,  
7 defendant Horizon Credit Union alleges that all of plaintiff's damages were caused by ultra  
8 vires actions by defendant Action Recovery Services, LLC, Ronald H. Tucker, and Robert  
9 Danny Lee II. The actions alleged by plaintiff to cause her damage are also subject to a  
10 release of liability signed by plaintiff.

11 III. CROSS-CLAIM AGAINST ALL DEFENDANTS

12 COMES NOW, Horizon Credit Union and by way of cross-claim against defendant  
13 Action Recovery Services, LLC, Ronald H. Tucker and Robert Danny Lee II alleges as  
14 follows:

15 3.1 On or around March 12, 2019 defendants entered into a Repossession  
16 Authorization and Hold Harmless Agreement with defendant Horizon Credit Union. By the  
17 terms of this Agreement Horizon Credit Union authorized defendants to repossess the  
18 2016 Hyundai Tucson owned by Barbara A. Thompson and in which Horizon Credit Union  
19 had a security interest. The Agreement also provides that defendants agree to indemnify  
20 and hold Horizon Credit Union harmless from any claims relating to the repossession.

21 3.2 The actions of defendants Actions Recovery Services, LLC, Ronald H.  
22 Tucker and Robert Danny Lee II as alleged by plaintiff in the complaint exceeded the  
23 scope and authority of Horizon Credit Union's Assignment for repossession. The actions  
24 of these cross-claim defendants, if proved by plaintiff, were negligent and reckless and  
25 caused damage to Horizon Credit Union.

26 3.3 Pursuant to the terms of the assignment, cross-claim defendants are liable  
27 to Horizon Credit Union to defend against plaintiff's claim and hold Horizon Credit Union  
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1 harmless from any damages suffered by virtue of plaintiff's claims relating to the  
2 repossession.

3 3.5 All of the damages alleged by plaintiff herein were caused by cross-claim  
4 defendants, and cross-claim defendants are liable to Horizon Credit Union for those  
5 damages.

6 WHEREFORE, Defendant/Cross Claim Plaintiff, Horizon Credit Union prays for  
7 relief as follows:

- 8 1. For dismissal of all of plaintiff's claims brought against Horizon Credit Union,
- 9 2. For an award of damages against cross-claim defendants,
- 10 3. For an award of attorney's fees, costs, and expenses incurred in defense of
- 11 plaintiff's claim and in prosecution of Horizon's cross-claim, and
- 12 4. For such other and further relief as the court may deem just and equitable
- 13 in the premises.

14 DATED this 14th day of May, 2019.

15 \_\_\_\_\_/s/ Michael Siderius\_\_\_\_\_  
16 Michel Siderius, of  
17 SIDERIUS, LONERGAN & MARTIN, LLP  
18 Attorneys for Defendant  
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